

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:	Jukka SALONEN	Before the Board of Appeals
Application No.:	10/734,352	Confirmation No.: 3575
Filed:	December 11, 2003	Art Unit: 3628
For:	<u>BOOKING METHOD AND SYSTEM</u>	Examiner: S. SALIARD

REPLY BRIEF

MS APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The present Reply Brief is submitted in response to the Examiner's Answer dated May 14, 2010.

In response to the arguments presented in the Appeal Brief, the Examiner has provided further clarification regarding her findings with respect to the cited prior art. Although the Examiner's clarifications provide additional information regarding her interpretation of the teachings of the cited prior art, Appellant maintains that the Examiner's findings and/or conclusions based thereon are unfounded.

To support her finding that Tarnanen teaches "assigning a unique reply address to an SMS message from a multiplicity of available reply addresses", the Examiner quotes column 5, line 47 to column 7, line 14 of Tarnanen and asserts that "[s]ince Tarnanen discloses that only available reply paths are able to be utilized, it is clear that there is some selection made from among a number of available reply addresses." (Answer pp. 7-10).

Although the quoted paragraphs discuss the short message relay protocol (SM-RP) layer which according to the GSM protocol is used between mobile stations and the mobile switching

centres (GA) of the GSM network and how the GA has been modified to route/relay short messages to external sources, nowhere in the cited passage or elsewhere in Tarnanen is there any disclosure or suggestion of assigning a unique reply address to an SMS message *from a multiplicity of available reply addresses* as found by the Examiner.

As discussed in Appellant's Appeal Brief, Tarnanen discloses forming a temporary source address by combining the address of the gateway application (a single address) and an identifier identifying the short message. Although the temporary source address (i.e., a temporary reply address) in Tarnanen may be uniquely identified by the associated identifier, the *address* is not selected from a *multiplicity of available reply addresses* as asserted by the Examiner. To the contrary, the temporary reply *address* of Tarnanen is always the network address (GADDR) of the gateway application GA.

Regarding the Examiner's assertion that Tarnanen discloses only available reply paths are able to be utilized, the Examiner appears to be confusing the reply path availability data (TP-Reply-Path parameter) of the GSM protocol with the reply address. However, as specifically discussed in Tarnanen, these are two separate pieces of information. (See column 5, lines 47-51 which states "...the data essential for the reply path...includes *the reply path availability data...and the address of the unit* that transmitted the message...)(emphasis added). Furthermore, Appellant is at a loss as to how the Examiner can conclude that the need for a reply path inherently results in selecting from among a number of available reply paths. To the contrary, the reply path either exists or it does not, there is no disclosure or suggestion of selecting from available reply paths.

Finally, to support her finding that Kupsh "show[s] that it was old and well known in the art at the time of the invention to predefine a reply address," the Examiner quotes column 5, lines 6-30 and column 5, line 66 to column 6, line 10" and asserts that "[s]ince the originating address generated that the reply address, the reply address is predefined when the message is originated." Even if, *arguendo*, one were to find that Kupsh disclosed using a predefined reply address, the combination of Tarnanen and Kupsh still fail to render claim 19 unpatentable because the combination fails to disclose assigning a unique reply address from a multiplicity of available predefined reply addresses as claimed. To the contrary, both Tarnanen and Kupsh disclose using a *single* reply address. Tarnanen teaches using the network address of the gateway application and Kupsh teaches generating *an* originating address using a tracking identification number.

Accordingly, even if one skilled in the art had some rationale to combine these two references (which Appellant does not concede) the combination would still fail to render claim 19 unpatentable because the combination fails to disclose each and every claimed element.

For at least those reasons presented in Appellant's Appeal Brief and clarified above, the Examiner's rejection of claims 19 and 21-23 is improper. It is therefore respectfully requested that the Examiner be reversed on all grounds.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: June 29, 2010

Respectfully submitted,

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